#424

BILL NO. Z-90-03-24

ZONING MAP ORDINANCE NO. Z-03-90

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. J-35

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-4 (Roadside Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, Allen County, Indiana: thence South along the West line of the SW 1/4 of Sec. 34-30-12, a distance of 83.0 feet; thence East with a deflection angle to the left of 90 degr. 20 min. 30 sec. along the South right-of-way line of Reservation Drive, as recorded in Document Number 74-06826, in the Office of the Recorder of Allen County, Indiana, a distance of 320.0 feet to the true point of beginning; thence continuing East along said right-of-way line, a distance of 683.19 feet; thence South with a deflection angle to the right of 90 degr. 20 min. 30 sec. and parallel to the West line of the SW 1/4 of Sec. 34-30-12, a distance of 715.53 feet; thence West with a deflection angle to the right of 89 degr. 55 min. a distance of 288.17 feet; thence North with a deflection angle to the right of 90 degr. 05 min. and parallel to the West line of the SW 1/4 of Sec. 34-30-12, a distance of 187.0 feet; thence West with a deflection angle to the left of 90 degr. 05 min. a distance of 395.0 feet; thence North with a deflection angle to the right of 90 degr. 05 min. and parallel to the West line of the SW 1/4 of Sec. 34-30-12, a distance of 525.45 feet to the point of beginning, containing 9.5 acres, subject to easements,

and the symbols of the City of Fort Wayne Zoning Map No. J-35, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the

#4434

Mayor.

Janet D. Bradbury
Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Bradbury, seconded by Edmonds, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held aft due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock ____ M.,E.S.T.

DATED: 3-27-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Long, seconded by Talarico, and duly adopted, placed on its passage. PASSED ~~LOST~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	7			2
BRADBURY				✓
BURNS	✓			
EDMONDS	✓			
GiaQUINTA				—
HENRY	✓			
LONG	✓			
REDD	✓			
SCHMIDT	✓			
TALARICO	✓			

DATED: 6-26-90

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ ~~(APPROPRIATION)~~ ~~(GENERAL)~~ (SPECIAL) (ZONING MAP) ORDINANCE ~~RESOLUTION~~ NO. 2-03-90 on the 26th day of June, 1990

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)

Charles S. Redd
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of June, 1990 at the hour of 1:30 o'clock P.M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of June, 1990, at the hour of 4:50 o'clock P.M.,E.S.T.

P. Helmke
PAUL HELMKE, MAYOR

PRESCRIBED BY STATE BOARD OF ACCOUNTS

L.E. SMITH CO., BUCYRUS, IND. GENERAL FORM NO. 352

RECEIPT

№ 7280

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND. 2-12 19 90

RECEIVED FROM Wright More Corp $ 100.00

THE SUM OF One Hundred + 00/100 DOLLARS

ON ACCOUNT OF SE Corner Butler Rd + Fairview Ave Driveway

15377

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Mr. Jack D. Wright
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RB District to a/an B-4 District the property described as follows:

See Attached Legal Description

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: The property located at the Southeast corner of Bluffton Road and Reservation Drive. Currently the front 320 feet of depth is zoned B-4. We are requesting the rezoning of an additional 683 feet which would consist of 9.5 acres.
(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Philip D. McKay	1010 Aylesford Ft. Wayne, IND. 46819	Philip D McKay

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordina being sent to the newspaper for legal publication. If the request for deferra continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whi it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that ar ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the mat for hearing before the City Plan Commission. (FILING FEE $100.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Mr. Steven K. Zacher	Suite 825 Anthony Wayne Bldg. 203 E. Berry, Fort Wayne, IN 46802	(219) 422-8474

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Heari approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)	(Address)	(Signature)
Philip D. McKay	1010 Aylesford Ft. Wayne, IND. 46819	X Philip D. McKay

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

CERTIFICATE OF SURVEY

OFFICE OF:

DONOVAN ENGINEERING

JOHN R. DONOVAN P.E. No. 9173 P.L.S. No. 9921 INDIANA
FRANCIS X. MUELLER P.L.S. No. S0193 INDIANA
GREGORY L. ROBERTS P.L.S. No. S0548 INDIANA
FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby ceritfies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

The description of the real estate is as follows, to wit: Part of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, in Allen County, Indiana, more particularly described as follows:

Commencing at the Northwest corner of the Southwest Quarter of Section 34, Township 30 North, Range 12 East, Allen County, Indiana: thence South along the West line of the SW¼ of Sec. 34-30-12, a distance of 83.0 feet; thence East with a deflection angle to the left of 90 degr. 20 min. 30 sec. along the South right-of-way line of Reservation Drive, as recorded in Document Number 74-06826, in the Office of the Recorder of Allen County, Indiana, a distance of 320.0 feet to the true point of beginning; thence continuing East along said right-of-way line, a distance of 683.19 feet; thence South with a deflection angle to the right of 90 degr. 20 min. 30 sec. and parallel to the West line of the SW¼ of Sec. 34-30-12, a distance of 715.53 feet; thence West with a deflection angle to the right of 89 degr. 55 min. a distance of 288.17 feet; thence North with a deflection angle to the right of 90 degr. 05 min. and parallel to the West line of the SW¼ of Sec. 34-30-12, a distance of 187.0 feet; thence West with a deflection angle to the left of 90 degr. 05 min. a distance of 395.0 feet; thence North with a deflection angle to the right of 90 degr. 05 min. and parallel to the West line of the SW¼ of Sec. 34-30-12, a distance of 525.45 feet to the point of beginning, containing 9.5 acres, subject to easements.

B-4 ZONING

JOHN R. DONOVAN
REGISTERED
No. 9921
STATE OF INDIANA
LAND SURVEYOR

JOB FOR: WRIGHT-MOORE CORP. 2-6-90

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 27, 1990 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-90-03-24; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 19, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 26, 1990.

Certified and signed this
27th day of March 1990.

Robert Hutner
Secretary

COMMUNITY & ECONOMIC DEVELOPMENT

MEMORANDUM

TO: Fort Wayne City Council

FROM: Steve Smith, President, Fort Wayne City Plan Commission

SUBJECT: Petition No. 424/Bill No. Z-90-03-24

DATE: June 19, 1990

****

On behalf of the Plan Commission of the City of Fort Wayne, I am writing to advise of certain informal actions taken on June 4, 1990 by the Plan Commission with regard to re-zoning Petition No. 424 (Bill No. Z-90-03-24), a zoning ordinance amendment from RB to B4.

On April 3, the Plan Commission certified to Council a "Do Not Pass" recommendation of this petition; however, the Commission left the door open for the petition to be considered if the petitioner, Jack Wright, could present a proposed development which would maintain Bluffton Road orientation and access and would provide a landscape buffer between the proposed development and surrounding properties to the north and east.

In an effort to address the suggestion of the Plan Commission, the petitioner has been working with a surrounding property owner, Fort Wayne Community Schools, to enter into Restrictive Covenants which restrict the uses for the subject property, place certain developmental requirements on the petitioner, and provide enforcement measures for the surrounding property owner. These Covenants having been approved by the City Plan staff and the City Urban Designer, the Plan Commission was presented with the new facts and at its June 4th meeting agreed to provide Council with an informal recommendation to pass the ordinance amending the zoning. In as much as the Plan Commission certified its previous recommendation, it was determined by the Commission attorney that a new formal recommendation to City Council was not legally possible. Therefore, this letter evidences acknowledgment by the Plan Commission of the petitioner's answering the Commission's concerns, and it further constitutes the Commission's approval, albeit informal, of the re-zoning from RB to B4 based on the new facts as presented. Given the fact that this is an informal recommendation, no vote was taken on the matter; however, I can represent to you that there was no opposition whatsoever to the proposed re-zoning so long as the Protective Restrictions, Covenants and Declarations between the

TO: Fort Wayne City Council

FROM: Steve Smith, President, Fort Wayne City Plan Commission

SUBJECT: Petition No. 424/Bill No. Z-90-03-24

DATE: June 19, 1990

****

petitioner, Jack D. Wright, and Fort Wayne Community Schools have been fully executed prior to the meeting of the Common Council.

Thank you for your attention to this.

SS/jl

S K Smith
6-19-90

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE Southeast corner of Bluffton Road and Reservation Drive.

2-90-03-24

EFFECT OF PASSAGE Property is presently zoned RB - Suburban Residenital. Property will become B-4 - Roadside Business.

EFFECT OF NON-PASSAGE Property will remain zoned RB - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

FACT SHEET

Z-90-03-24
BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE
Zoning Ordinance Amendment
From RB to B4

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address
Southeast corner of Bluffton Road and Reservation Drive

Reason for Project
Expansion of Wright-Moore Corporation and future commercial development.

Discussion (Including relationship to other Council actions)

March 19, 1990 - Public Hearing

See Attached Minutes of Meeting

March 26, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the six members present, five voted in favor of the motion one did not vote. Motion carried.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Jack D Wright City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	☐ For ☒ Against Reason Against -approval could have a negative impact on surrounding properties
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date February 12, 1990

Projected Completion or Occupancy Date March 27, 1990

Fact Sheet Prepared by Date March 27, 1990

Patricia Biancaniello

Reviewed by Date 3-28-90

Reference or Case Number

a. Change of Zone #424
From RB to B-4
Southeast corner of Bluffton Road and Reservation Drive.

Peter Mallers, attorney appeared for the petitioner, Jack D. Wright. Mr. Mallers stated that they have asked to rezoned approximately 9.5 acres. He stated that Mr. Wright is the owner and president of the Wright-Moore Corporation, which is a seller of office equipment. He stated that Mr. Wright has been in business in the area for approximately 19 years. He stated that Mr. Wright's business is currently located on Commercial Drive, which is very close to the property in question. He stated that because of the need for additional space and the expansion of the business Mr. Wright is attempting to purchase approximately 15 acres on Bluffton Road. This 15 acres includes the property up for rezoning and 3.5 acres adjacent on the west of this property that fronts on Bluffton Road. He stated that this 3.5 acres is currently zoned B-4. He stated that the petitioner is requesting that the B-4 zoning that is currently existing on the Bluffton Road frontage with a depth of 320 feet be extended for the remainder of the 15 acre parcel, excepting a 100 foot buffer adjacent on the east of the 15 acre tract. He stated that leaving 100 foot buffer out of the rezoning application was intended by Mr. Wright to serve as a buffer between the B-4 and the RB to the east. He stated that there is currently no specific site plan available to present. He stated that it is Mr. Wright's intention to construct approximately 30,000 square feet of retail, office and service space. He stated it would be suitable for housing the business for the Wright-Moore Corporation. He stated it is also intended to construct additional buildings be constructed for the purpose of leasing to businesses that would be compatible with the business of Wright-Moore Corporation. He stated some of those businesses would include any kind of office supply, office design, office furniture, computer sales, or computer service. He stated that Wright-Moore Corporation primarily sells and servces copiers and fax machines. He stated that although the staff recommendation is not supportive of the petition items #3 under the recommendation does leave the door open for some rezoning of at least a portion of the subject tract. Mr. Mallers stated that clearly the Comprehensive Plan provides for development along the Bluffton Road for commercial purposes. He stated that they feel that their proposal is consistent with that goal. He stated that the 3.85 acre tract zoned B-4 has remained undeveloped since the time of its rezoning. He stated that the petitioner intends to develop on that acreage. He stated that they also intend to develop beyond that and that is the reason for the request. He stated that a concern was raised by the staff that conditions have not changed sufficiently to warrant a further rezoning. He stated that in as much as what is currently rezoned B-4 will be used and they are proposing to use more land, they feel the conditions do merit a further rezoning. He stated that with

respect to the staff concern that approval would have a negative impact on the surrounding area, they acknowledge the concern. He stated they do not necessarily agree with the scope of the concern bu they do acknowledge that any further development in this area should not have a negative impact on the surrounding neighborhoods and the school. He stated that in an effort to satisfy this concern, we have discussed with the staff modifying the request so that the property to be rezoned would not intrude so obstensibly into the RB zoned area. He stated that they have tried to do this by leaving the 100 foot strip to east was intended to serve that purpose. He stated that they recognize that they have a week to try and finalize any modifications to their request. He stated he did want to present to the Commission that in recognition of the concerns presented by the staff the petitioner is willing to consider modifying his proposal. He stated that they feel that Reservation Drive presents a natural buffer for the RB property to the north and they will consider additional landscaping to serve as a buffer. He stated that they are willing to limit their access to Bluffton Road and to maintain a Bluffton Road orientation.

Wil Smith questioned what type of development they were considering for the remainder of the property.

Mr. Mallers stated that they will have several buildings to house various businesses that would be operated by tenants, all of which would still maintain a Bluffton Road orientation.

David Long questioned if it would be possible to buffer this property with some mounding/landscaping along Reservation Drive.

Mr. Mallers stated that it has been discussed, and they intend to discuss it further. He stated that they felt that Reservation Drive itself would serve as a buffer.

Mel Smith questioned what type of traffic they would be generating from this property if it were to be rezoned - truck or car.

Mr. Mallers stated that there will be some deliveries but the bulk of the traffic would be for employees, retail sales and servicing.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

BILL NO. Z-90-03-24

REPORT OF THE COMMITTEE ON REGULATIONS

JANET G. BRADBURY, CHAIRPERSON
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, TALARICO

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. J-35

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

DO PASS	DO NOT PASS	ABSTAIN	NO REC
David Long			
Samuel J. Talarico			
Clitus Edmonds			
[illegible]			

DATED: 6-26-90.

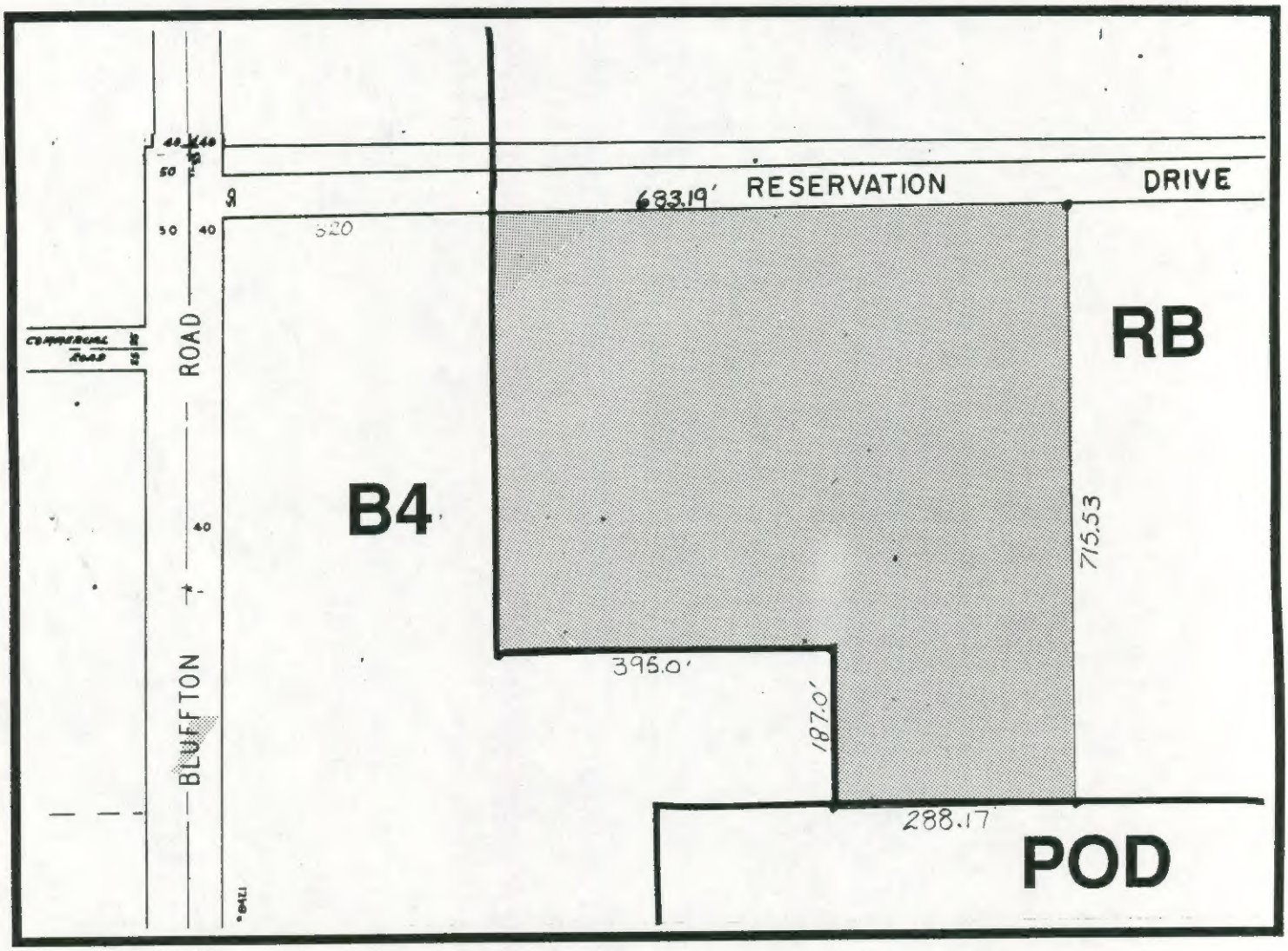
Sandra E. Kennedy
City Clerk

REZONING PETITION #434

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A **RB** DISTRICT TO A **B4** DISTRICT.

MAP NO. **J-35**

COUNCILMANIC DISTRICT NO. ~~5~~ 4



ZONING:

RB RESIDENCE "B"

B4 ROADSIDE BUSINESS

POD PROFESSIONAL OFFICE DISTR

LAND USE:

☐ *COMMERCIAL*

☐ *SINGLE FAMILY*

SCALE: 1"=200'

DATE: 3-6-90

N